

Appln. No.: 10/777,698
Amdt. dated October 19, 2005
Reply to Office action of July 21, 2005

REMARKS

Claims 1-42 remain in this application with claims 1, 14, and 34 in independent form. Independent claims 1, 14, and 34 have been amended. There is full support throughout the specification as originally filed for these amendments. As such, no new matter is believed to be introduced by these amendments.

Claims 1-42 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Application Publication No. 2004/0235997 to Meisenburg et al. (hereinafter the '997 publication).

Applicants have amended independent claims 1, 14, and 34 to clarify the subject invention. Referring to claim 1, claim 1 has been amended to recite that the silyl compound has the terminal isocyanate group that is reactive with the unreacted hydroxyl groups of the carbamated intermediary. Further, claim 1 has been amended to clarify that the silylalkoxy groups remain available for secondary cross-linking after the terminal isocyanate group react with the unreacted hydroxyl group. In other words, the polyester resin composition formed according to the subject invention provides primary carbamate groups for cross-linking and provides the silylalkoxy groups for secondary cross-linking.

With reference to claim 34, the step of reacting the carbamate compound has been amended to recite that the carbamate compound is reacted in an amount sufficient to from the carbamated intermediary having at least primary carbamate group available for cross-linking and having unreacted hydroxyl groups. Further, claim 34 has also been amended to recite that the silyl compound has silylalkoxy groups and that the terminal groups of the silyl compound react with the unreacted hydroxyl groups of the carbamated intermediary. The resin composition formed therefrom has primary carbamate groups available for cross-linking and silylalkoxy groups available for secondary cross-linking.

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Referring to claim 14, claim 14 has been amended to recite that the carboxylic acid anhydride is reactive with the hydroxyl groups of the first compound and is added in an amount sufficient to form a first intermediate compound having at least one carboxylic acid group and unreacted hydroxyl groups. The second compound limitation has also been amended to recite that the epoxy group is reactive with the carboxylic acid group to form a second intermediate compound having unreacted hydroxyl groups. Additionally, claim 14 has been amended to claim the carbamate compound is reactive with the unreacted hydroxyl groups of the second intermediate compound to form the carbamated intermediary having at least one primary carbamate group available for cross-linking and having unreacted hydroxyl groups. Finally, the silyl compound limitation has been amended to recite that the silylalkoxy groups are available for secondary cross-linking after the terminal group reacts with the unreacted hydroxyl groups.

Applicants believe that the original claims in an unamended form were originally allowable over the prior art of record. However, in an effort to more clearly define the subject invention over the '997 publication and address the Examiner's apparent concerns, the claims have been amended. Thus, Applicants respectfully submit that these claim amendments overcome the §102(e) rejection.

Specifically, the '997 publication does not disclose each and every limitation in the claims. Applicants are not claiming to be the first to invent the individual compounds claimed. On the contrary, Applicants are claiming to be the first to form a polyester resin composition in such a manner to provide the polyester resin composition with primary carbamate group functionality for cross-linking and silylalkoxy group functionality for secondary cross-linking. The polyester resin composition is particularly useful in a

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coating composition to produce films that have improved scratch and mar characteristics
(*see paragraph [0007] of the specification as originally filed*).

The '997 publication does not disclose a coating material that includes both the primary carbamate groups available for cross-linking and the silylalkoxy groups for secondary cross-linking. Instead, the '997 publication discloses a coating material that includes a binder (A) and nanoparticles (B). The binder (A) is selected from the group consisting of random, alternating and block, linear, branched and comb addition (co)polymers of ethylenically unsaturated monomers, polyaddition resins and/or polycondensation resins curable physically, thermally, or thermally and with actinic radiation (*see page 4, paragraph [0063]*). The binder (A) is further described as a dual cure binder, i.e., a binder that is curable by means of heat and actinic radiation (*see page 1, paragraph [0005]*). The nanoparticles (B) are modified with at least one compound described broadly as a methacryloyloxyalkyltrialkoxysilane.

The Examiner states that the dual-cure binder (A) contains at least one group S and the S group is attached to the binder (A) by way of urethane, urea, allophanate, ester, ether, and/or amide groups (*see page 9, paragraph [0140]*). However, the group S does not contain silylalkoxy groups when attached to the binder (A) as claimed in the subject invention. In other words, the '997 publication does not disclose the polyester resin composition that has silylalkoxy groups available for secondary cross-linking after the terminal groups react with the unreacted hydroxyl groups. Thus, each and every limitation as claimed is not disclosed, taught, or suggested by the '997 publication.

Since each and every limitation of the claims, as amended, is not disclosed, taught, or suggest, either expressly or inherently, the §102(e) rejection is believed to be overcome. Therefore, claims 1, 14, and 34 are believed to be allowable. Claims 2-13,

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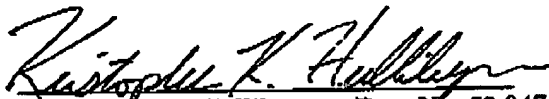
15-33, and 35-42, which depend directly or indirectly from claims 1, 14, and 34, are also believed to be allowable.

Accordingly, it is respectfully submitted that the Application, as amended, is now presented in condition for allowance, which allowance is respectfully solicited. Applicant believes that no fees are due, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789.

Respectfully submitted

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Date


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